

JUL 25 2002 16:00 FR PERMIE EDMOND

TO 17 465195

P.10

Exhibit 1

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2****To: (Name and Address of Depositor or Attorney)**University of Virginia Patent Foundation
Attn: Robert S. MacWright
1224 West Main Street, Suite 1-110
Charlottesville, VA 22903

Deposited on Behalf of: University of Virginia Patent Foundation

Identification Reference by Depositor:**Patent Deposit Designation**Mouse hybridoma (Mus musculus)-splenic B cell (A/J female M. musculus)
fused with myeloma sp2/0-Ag14 (M. musculus): C3bi-3E7-E7-B8

PTA-4090

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.The deposit was received February 21, 2002 by this International Depository Authority and has been accepted.**AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.**

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested March 4, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, Patent DepositoryDate: March 18, 2002cc: Geraldine F. Baldwin, Esq.
(Ref: Docket or Case No.: 9426-048-999)

Express Mail No.: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Taylor et al.

Application No.: 09/724,620

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Canella, K.

For: METHODS FOR THE
PREVENTION AND TREATMENT
OF CANCER USING ANTI-C3b(i)
ANTIBODIES (as amended)

Attorney Docket No.: 9426-048

**STATEMENT REGARDING PERMANENCE AND
AVAILABILITY OF DEPOSITED CELL LINE AND
CORROBORATION REGARDING DESCRIBED CELL LINE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Robert S. MacWright, declare and state:

1. That I am presently the Chief Executive Officer and Executive Director
of the University of Virginia Patent Foundation.

2. That I certify that the University of Virginia Patent Foundation is the
owner of the entire right, title and interest in, to and under the invention described and
claimed in the above-identified application by virtue of a chain of title from the inventors of
the above-identified application to the University of Virginia Patent Foundation as shown
below:

- (a) an Assignment recorded on June 7, 2001, at Reel 011888,
Frame 0180, from the inventor(s) to the University of Virginia;
and
- (b) an Assignment recorded on June 7, 2001, at Reel 011888,
Frame 0174, from the University of Virginia to the University
of Virginia Patent Foundation.

3. That on February 21, 2002, Dr. Leslie Casey, Senior Director of Research at EluSys Therapeutics, Inc., licensee of the above-identified application, on behalf of the University of Virginia Patent Foundation, forwarded the mouse hybridoma cell line C3bi-3E7-E7-B8 to the AMERICAN TYPE TISSUE CULTURE COLLECTION (ATCC), at 10801 UNIVERSITY BLVD., MANASSAS, VIRGINIA 20110-2209, USA, International Depository Authority, for deposit in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure. The deposit was viable at the time of deposit and has been assigned accession number ATCC No. PTA-4090. A copy of the Receipt from the ATCC regarding this deposit is attached to this Statement as Exhibit 1.

4. That I hereby assure the United States Patent and Trademark Office and the public that: (a) all restrictions on the availability to the public of a sample of the deposited cell line will be irrevocably removed upon issuance of a United States patent of which the cell line are the subject; (b) the above-mentioned cell line will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited cell line were received by the ATCC and, in any case for a period of at least 30 years after the date of deposit; (c) should the deposited cell line become non-viable it will be replaced; and (d) access to the deposited cell line will be available to the Commissioner

during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cell line under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

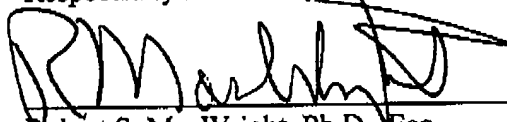
5. I hereby declare further that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Date:

7/23/02

By:



Robert S. MacWright, Ph.D., Esq.
Chief Executive Officer / Executive Director
University of Virginia Patent Foundation